

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VINCENT MATTHEW FORTIN,

Defendant.

CR-12-07-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 15, 2019. (Doc. 43.) Neither party filed objections. The Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 10, 2019. (Doc. 41.) The United States accused Defendant Vincent Matthew Fortin of violating his conditions of supervised release by failing to: 1) participate in a mental health

program and 2) report to his probation officer as directed. (Doc. 38 at 1-2.) Fortin admitted to both violations of his supervised release. (Doc. 43 at 3.)

Judge Johnston recommended that the Court revoke Fortin's supervised release. (Doc. 43 at 3.) Judge Johnston recommended that Fortin should serve a term of custody of one day, deemed satisfied by his participation in the booking process with the United States Marshals Service on January 10, 2019. (Doc. 43 at 3.) Judge Johnston recommended that Fortin remain on supervised release until July 20, 2019. (Doc. 43 at 3.) Judge Johnston recommended that the supervised release conditions previously imposed should be continued. (Doc. 43 at 3.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Fortin's violations represent a serious breach of the Court's trust. A custodial sentence of one day followed by a term of supervised release until July 20, 2019 is a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 43) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Vincent Matthew Fortin is sentenced to a term of custody of one day, which is deemed satisfied by his participation in the booking process with the United States Marshals Service on January 10, 2019. Fortin shall remain on supervised release until July 20, 2019.

DATED this 31st day of January, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris
United States District Court Judge